

PUBLIC LAW BOARD NO. 1925

Award No. 11

Case No. 11

File No. MW-77-15

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Southern Pacific Transportation Company
-Texas and Louisiana Lines-

Statement of Claim: 1. Carrier violated the effective Agreement, on November 12, 1976, by improperly dismissing from service Machine Operator Helper Jackie Menard.

2. Claimant Menard shall now be reinstated to his former position with all seniority, vacation, insurance coverage, and any other rights accruing to him, unimpaired, and with pay for all time lost, on this account.

Findings: The Board finds, after hearing upon the whole record and all evidence, that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated March 23, 1977, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, an Extra Gang Laborer on the Lafayette Division, was dismissed from service November 12, 1976, for absenting himself from his employment on November 3, 4, 11 and 12, 1976, resulting in violation of Rule 810 which in pertinent part provides:

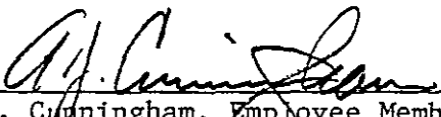
"M-810 Employees must report for duty at the prescribed time

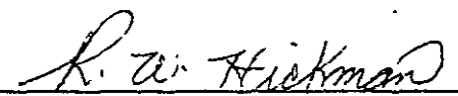
and place,..... They must not absent themselves from their employment without proper authority... Continued failure by employees to protect their employment shall be sufficient cause for dismissal..."

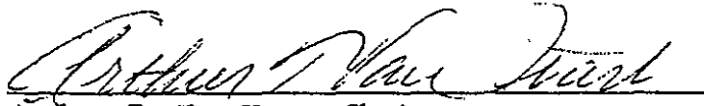
Claimant was accorded due process and no procedural error is raised to bar our review of the case on its merits. The transcript supports Carrier's conclusion. In fact, it reflects therein that Claimant admitted being absent and being without authority therefore.

Claimant's service record provides no reason for modification of the reasonable discipline imposed and the claim will be denied.

Award: Claim denied.


A. J. Cunningham, Employee Member


R. W. Hickman, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Falmouth, Massachusetts, September 7, 1977.